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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/302,679	04/30/1999	SHUNPEI YAMAZAKI	07977/165002	7235

20985 7590 10/23/2002  
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EXAMINER

CRUZ, LOURDES C

ART UNIT	PAPER NUMBER
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2827

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/302,679

Applicant(s)

YAMAZAKI ET AL.

Examiner

Lourdes C. Cruz

Art Unit

2827

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 10-21 and 34-90 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-21 and 34-90 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 29 May 2002 is: a) ☐ approved b) ☒ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

The figures showing a cross-sectional view of the invention are improperly crosshatched. All of the cross hatching patterns should be selected from those shown on page 600-81 of the MPEP based on the material of the part. Also see 35 CFR 184 (h)(3) and MPEP 608.02.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10,12,13,15,16,18,21,34-39, 42,49-61,67-79, and 85-90 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10,12,13,15, and 42 recite "said film". It is unclear to which of the previously defined in the claims films the Applicant is referring to.

Claims 34-39,55-61,67, and 73-79 are indefinite since it is unclear to the examiner how the disclosed semiconductor device itself is a TV camera, an EL display, a personal computer, a car navigation system, a TV projection system, or a video camera.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 10-21, and 34-90 are rejected under 35 U.S.C. 102(e) as being anticipated by Sekiguchi et al. (US 5594280).

Sekiguchi et al. discloses a semiconductor device comprising:

A substrate 311 and a film pattern comprising aluminum 317 over said substrate. See Fig. 2 and the description of the prior art (Col. 5, 46+ and Cols. 3-4), wherein the prior art discloses that her/his invention is directed towards improving the previously existing transistors' aluminum films (e.g. Fig. 2).

Sekiguchi et al. also discloses:

- A SiN 19 insulating film on said film wherein said film contains carbon atoms at a concentration of  $5 \times 10^{18}$  atoms/cm<sup>3</sup> or less
- A gate line 17 over said substrate; a source line 13 intersected with said gate line over said substrate; and a pixel 18 at an intersection

- of said gate line and said source line, wherein said gate line comprises aluminum and carbon atoms at a concentration of  $5 \times 10^{18}$  atoms/cm<sup>3</sup> or less and wherein the SiN film is on the gate line
- a thin film transistor (Col. 3, line 66), a channel region 30 between source and drain regions, an interlayer insulating film 14 over said thin film transistor, a wiring (unlabeled plug over 16) connected to at least the source or drain region through a contact hole; wherein the pixel electrode 18 is over the interlayer insulator, said gate electrode and wiring formed from aluminum containing carbon atoms at a concentration of  $5 \times 10^{18}$  atoms/cm<sup>3</sup> or less
  - see that the claims recite oxygen/nitrogen "atoms at a concentration of ...atoms/cm<sup>3</sup> **or less**". See that traces of oxygen/nitrogen or **zero** oxygen/nitrogen falls within the claimed range, therefore the prior art's oxygen/nitrogen concentration falls within the claimed range

Regarding claims 34-39, and 43-90, see that all the structural limitations in the claims have been addressed above. Also, see that the manner in which an apparatus is intended to be used does not patentably distinguish the claimed apparatus from that disclosed by the prior art, which may as well be used in the same manner. Moreover, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art

apparatus satisfying the claimed structural limitations. Ex Parte Masham, 2 USPQ F.2d 1647 (1987).

***Response to Arguments***

Applicant's arguments filed 3-28-02 have been fully considered but they are not persuasive. Also, the examiner acknowledges Applicant's supplemental response to the remarks and will not address statement in the second full paragraph of page 15.

Applicant's amendment necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lourdes C. Cruz whose telephone number is 703-306-5691. The examiner can normally be reached on M-F 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L Talbott can be reached on 703-305-9883. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Lourdes C. Cruz  
Examiner  
Art Unit 2827

  
Lourdes Cruz  
October 18, 2002